**West Penn Township Board of Supervisors**

**27 Municipal Road**

**New Ringgold, PA 17960**

**Phone (570)386-4507 Fax (570)386-5851**

**Regular 7PM Monthly Meeting**

**Monday, March 4, 2019**

**Present at the Meeting**

**Anthony Prudenti – Chairman Katie Orlick - Secretary**

**Timothy Houser – Vice-Chairman Paul Datte – Solicitor**

**Theodore Bogosh III – Supervisor William Anders – Engineer**

**Karen Wittig – Treasurer**

**I. General**

**A. Call to Order**

Anthony Prudenti opened the Regular Monthly meeting @ 7:03PM with Pledge of Allegiance & Introductions.

**B.** **Certificate of Appreciation** to the West Penn Twp. Lions Club & Marlin Zehner

The Township would like to show their appreciation and recognize The West Penn Township Lions Club for their amazing community service & kind donations to the West Penn Township Park on Zion Stone Church Road.

The Township would also like to recognize Marlin Zehner from the Park Commission for his dedication & hard work at the park.

**C. Public Comment on Agenda Items** – None

**D. Review of Meeting Minutes** – February 4th & 18th, 2019

Anthony Prudenti called for a motion to accept the meeting minutes. Tim Houser made the motion to accept the meeting minutes. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**E. Treasurer‘s Report** – February 2019

Chairman called for a motion to accept the Treasurer’s report for January 2019. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**F. Approval of Bills** for February 2019

Chairman called for a motion to approve the bills for February 2019. Tim Houser questioned a bill for repairs to an oil pan on the one truck. The Township was quoted one price but we were charged substantially higher of what was on the quote. Tim Houser would like an explanation on why we were charged so much & why no one from the dealership called to find out if they should continue with repairs knowing that it was exceeding the quoted price. Chairman asked the Road Master to take care of this bill and get some answers.

Tim Houser made the motion to approve the bills except for the bill in question. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**G. Solicitor’s Report**

Paul Datte discussed with the BOS the next steps Dollar General will need to do. At a previous meeting on February 4, 2019, the Chairman called for a motion to authorize the chairman to execute a Development Agreement between Snyders DG, LLC & the Township for Dollar General’s Land Development on SR309 substantially in the form presented to the BOS with such changes as may be satisfactorily to the Chairman after consultation with the Township Solicitor. Attorney Datte stated we got the signed Development Agreement back from Dollar General and we will sign & execute when all the other comments are met and plans are recorded. Chairman asked if the Dollar General was approved for their HOP? Supervisor Houser had concerns of where you would enter & exit at the Dollar General Site. Township was concerned about no left hand turns. Bill Anders stated he will make that comment on his next review. Bill Anders said they need signage on the plan for no left turn when exiting Dollar General’s Parking lot.

Paul Datte stated that he & Bill Anders agreed there should be maintenance & an easement agreement relating to the storm water facilities in the development of Dollar General. Attorney Datte prepared the agreement; the document will need to be recorded & then executed. Attorney Datte stated this is designed to create an obligation for the property owners to maintain their storm water facilities; it gives the Township the right to do it & if they don’t we can put a lien against the property for the costs.

Paul Datte also reported to the BOS that he was in contact with the Water Extraction Attorneys & they still have some questions that need to be answered but they are moving forward. Chairman had asked Paul Datte if he was aware of a correspondence he received which deals with safe drinking water. Attorney Datte said he was aware of it and he will make sure the Water Extraction Attorney is aware of it. Attorney Datte said we need to make sure we know which agency does what & when do they get involved under certain circumstances. Attorney Datte stated that we do not want to spend a lot of time and money if another agency may have jurisdiction and has to monitor or be involved anyway when there is a problem. The Planning Commission & the Water Resource & Planning Steering Committee had a meeting and a lot of their discussion was about when DEP and/or DRBC get involved. Chairman also discussed the cost of redoing our ordinance. Chairman asked Attorney Datte & Bill Anders if they can revise the Ordinance to reduce costs. Tim Houser asked Attorney Datte if he feels comfortable revising the ordinance and would he feel confident that it can potentially hold up in court. Attorney Datte said that he can do it but are we willing to back out from the current firm that has been handling it.

Attorney Datte suggested that the BOS allow him & Bill Anders to draft the ordinance but still allow the Water Extraction Attorney to review it. Ted Bogosh III suggested we get the District Attorney’s office to review as well. Attorney Datte stated he will look into it.

Chairman called for a motion to accept the Solicitor’s report. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**II. Land Use –**

**A.** Bill Anders stated that the planning commission recommends the BOS to grant a modification for Gholami to submit Preliminary & Final Plan concurrently based on minimal project scale & scope for his land development. Tim Houser was concerned with the location but Mr. Anders explained and answered his question. Chairman called for a motion to grant the modification for Gholami. Tim Houser made the motion. Ted Bogosh III seconded the motion. The motion was carried.

**B.** Bill Anders also said the planning commission recommends the BOS to adopt Resolution No. 9 of 2019 conditionally approving the Land Development Plan for Gholami contingent upon the comments of the Lehigh Engineering, LLC letter dated February 25, 2019.

Tim Houser questioned Bill Anders if Gholami met any of the requirements for sewage. Tim Houser stated he believes that Medical Crossing was one of the areas of the 537 plan area.

Mr. Anders stated that Bill Brior issued a permit. They did testing for a primary & secondary field.

Paul Datte added Jan Miller from Bill Anders’ office did have Attorney Datte review the Gholami Development Agreement & Storm Water Maintenance Agreement.

Chairman call for a motion to adopt Resolution No. 9 of 2019. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**III. Operations**

**A. Code Enforcement Officers Monthly Report – February** 2019

Bill Anders reviewed his Code Enforcement Report with the BOS. Chairman questioned Bill Anders on the Nelson Galloway Property.

Mr. Galloway had some health issues which held up the process. Chairman asked if we can condemn the property. Attorney Datte said yes but it is not an easy process. Bill Anders said he is waiting on the magistrate to set another court date for the pending violation charges. Chairman called for a motion to accept the Code Enforcement Officer’s report. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**B. Engineer’s Monthly Report – February** 2019

Bill Anders referred to Task # 5 – Grant Opportunities – Mr. Anders applied for two grants under the FEMA Hazard Mitigation Grant Program. The grants will be used for backup generators for the Township Building & the Police Dept. Mr. Anders stated he received his letter of intent on 3/1/19 stating what he needs to proceed. Mr. Anders also will have to find out what size unit we will need. Chairman asked if the Township would have to match the grant. Mr. Anders said no, 75% comes from Federal money & 25% would come from the state.

Task # 8 – Bill Anders said Dollar General received their Highway Occupancy Permit from PennDOT & is in the process of complying with West Penn’s requirements for approval.

Mr. Anders gave a brief update on Gholami which the BOS approved modification & adopted Resolution No. 9 previously in the meeting under Land Use.

Task # 9 Mr. Anders asked the Planning Commission if they had any questions or comments on Water Extraction information. Planning Commission recommended to the BOS a meeting with the Township’s engineer, solicitor, hydrogeologist & Attorney Yeager which was held on February 8, 2019. The comments from the meeting are in the supervisors review.

Task # 13 Mr. Anders stated that he did an onsite inspection of the pump house with Bruce Rader on February 14, 2019. Mr. Rader is in conformance with the letter of credit items that were remaining & Mr. Anders recommended to the BOS that the letter of credit be released.

Chairman called for a motion to closeout Bruce Rader’s letter of credit for $6000. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

Chairman called for a motion to accept the Engineer’s monthly report. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**C. Sewage Enforcement Officer’s Report** – **February** 2019

Chairman reviewed the Sewage Enforcement Report with the BOS. The activities consisted of design reviews, and permits issued. There were no malfunctions reported for the month.

Chairman called for a motion to accept the Sewage Enforcement Officer’s monthly report for February 2019. Tim Houser made the motion. Ted Bogus III seconded the motion. Motion was carried. 3-0

**D. Road Department’s Monthly Report** – **February** 2019

Chairman reviewed the monthly report with the BOS. The road department maintenance the Township building, equipment, cindered roads, had salt, Anti-Skid & #8 Stone hauled in, opened pipes & grates, mowed brush along Township roads, cut trees & low limbs. The Road department is also working on the impound wall behind the police department. Chairman told the Road Master that someone called him about a road sign being down on Lime Kiln Road & Forest Drive. Tim Houser added that he spoke to the Road Master about maintaining the roads during winter storms. This year so far the Township went through 900 tons of salt and we just ordered got another 500 tons which we are at our limit. Tim Houser instructed the Road Master to use 2 Anti-Skid to 1 Salt. Mr. Houser said this ratio will not melt the snow as it did in the past & he urges everyone to drive slower & use caution while driving in a winter storm. Chairman called for a motion to accept the road department’s monthly report. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**E. Police Monthly Report** – **February** 2019

Chairman read the police report for February. Chief asked the Chairman to recognize Art Sterling & his employer for donating the truck to haul the blocks for the impound lot. Chairman asked the chief how the impound lot is coming along. The chief said we are waiting on more block & pricing for the gate. Chairman stated he signed the aggressive driving agreement on behalf of the BOS. The report states that the police patrolled 7,072 miles, 234 total traffic, 292 total calls and $4,468.60 fine money received. Tim Houser informed the public that he attended a meeting about legalizing cannabis for recreational use. Mr. Houser is not in favor of it. Mr. Houser said it is House Bill 50 and he urges you to contact your legislators if you are for it or against it. They claim it will bring in revenue which it may but no one spoke about the down side of it. Chairman stated Sgt. & Cpl. Kaz had the DARE program with 1st & 3rd grade @ West Penn Elem. Chief is working on a PCCD grant that he can get up to $10,000 and it is not a matching grant. Chief wants to change Metro RMS to CODY RMS which is a report management system.

Chief gave the BOS two resignation letters. Resignations were from Anthony Houser & Zach Evans. Chairman called for a motion to accept the resignation from Anthony Houser which is effective immediately. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0 Chairman called for a motion to accept the resignation for Zach Evans effective 3/11/19. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0 Chief addressed an issue with the Road Master about truck traffic using Fort Franklin Road because of their GPS sending that way. Chief asked if we can post the road for local trucks only. Chief said if we do that we would have to talk to Lynn Twp. to do the same because once you get so far on this road there is nowhere to turn around. Chief asked if we can do a resolution or an ordinance to pass that so we can enforce it. Chairman asked secretary to contact google map to see if we can get them to take that route off or give an alternative route that would avoid Fort Franklin Road. Tim Houser said we should try the signs & Ted Bogosh III agreed. Chairman asked the secretary to contact the county’s GIS or EMA & ask if they have any suggestions on how we can reroute traffic off of Fort Franklin Rd. Chairman called for a motion to accept police report for February. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**F. Fire Company’s Monthly Report** –**January & February** 2019

Chairman reviewed the January & February report with the BOS. BOS reviewed the reports & the upcoming events. Chairman called for a motion to accept the Fire Department’s Reports. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**G. Ambulance Monthly Report** – **February** 2019

BOS reviewed the Monthly Ambulance Report. The Ambulance had 19 calls and 63 calls year to date. The calls consist of breathing problems, abdominal pain, heart problems, traffic accidents and being sick.

Chairman called for a motion to accept the ambulance report. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**IV. Old Business**

**A.** Chairman called for a motion to adopt Resolution No. 10 of 2019 stating that West Penn township desires to receive a Grant from DCNR for the purpose of carrying out the J.E. Morgan Memorial Park Project. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

Chairman called for a motion to authorize the Chairman to sign & execute all grant documents on behalf of West Penn Township. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**B.** Chairman asked the secretary about the bids for the Comprehensive Plan. Urban Research gave a bid for $18,500 & Lehigh Engineering, LLC came in at $12,600. Basically the bid specs were the same. They both included meetings, review the current comp plan, revise land use map, take into consideration of what is in our current comp plan & what maybe desirable uses in the future. They will also give us paper copies, CDs & pdf to upload on our website. Chairman called for a motion to have Lehigh Engineering, LLC to revise our Comp. Plan. Tim Houser made the motion; Ted Bogosh III seconded the motion. Motion was carried. 3-0

**V. New Business - None**

**VI. Business form Anyone on the Board**

Ted Bogosh III updated the BOS about the Zoning Update Committee and what they were discussing at the meetings. Mr. Bogosh III stated that possibly a new zone may be created in the Conservation District to allow cluster housing. The committee discussed industrial areas & loading stations. Mr. Bogosh III stated it is an ongoing process & there will be another meeting and anyone is welcome to attend. Chairman questioned cluster housing. Mr. Bogosh III referred to the engineer or the solicitor to explain cluster housing. Paul Datte our solicitor said cluster housing is a cluster of homes on smaller lots out of a larger area. It’s an allowance of total homes based on the total acreage of a lot. You take the size of a lot and you allow so many building units per 10 acres. Chairman asked with the density why would you want to do that with the 10 acres in the Conservation District. Ted Bogosh III stated that if you would have 100 acres you can have ten houses on it.

**VII. Correspondence -** None

**VIII. Public Comment on General Items**

**Nicole Bailey** – 3430 Summer Valley Road, SR895 West.

Ms. Bailey came to the BOS meeting to express her concerns about the amount of speeding traffic on SR895 & Summer Valley Rd. Ms. Bailey pleaded with the BOS if there is any way that something can be done whether it is with the Aggressive Driving Program & LPR or have the speed limit lowered on SR 895 Summer Valley Road. Chairman asked Ms. Bailey if she realizes that highway is a state road. Ms. Bailey responded that she does know but she didn’t know what to do first about her concerns. Ms. Bailey stated that a portion of SR309 by Romano’s Pizza, the speed limit was lowered to 35mph. Chief said that was reduced because in that section it met the criteria for residential because of the density, the closeness of the houses. Chairman asked the Chief what we can do about this situation. The Chief suggested we do heavy traffic enforcement. Chief suggested that he can put lines in front of her house to do speed traps. Ms. Bailey said her husband almost got in an accident a couple of times pulling out of their driveway. Paul Datte asked the Chief about the section of SR309 speed limit being reduced base on being a residential area. Tim Houser stated when houses are a certain distance apart sometimes PennDOT would consider reducing speed in some areas. Paul Datte asked the Chief if the area in question would qualify for that. The Chief said probably not because there are some areas that have houses close but the further out on that highway the houses are spread apart. The Chief suggest heavy traffic enforcement with zero tolerance. Chairman suggested we can use the speed trailer & heavy enforcement. Chairman said it is a temporary fix. Chairman asked the BOS if we can allow the Chief to do those recommendations. The Chairman also suggested that we write PennDOT a letter addressing the concerns of speed & site distance between houses that they may consider reducing the speed. The BOS questioned what time of day does she feel like speeding on that road occurs more frequent. Larry Stival said in the morning he feels there are a lot of truck speeders when the quarry opens for the day.

Chairman asked the secretary to request a safety meeting for that section of the state route with PennDOT, State Representative & Senator.

**Larry Stival** had a question about the Highway Occupancy Permit issued to Dollar General. Where are they planning on having traffic turn into the store? If they are exiting the store & they only can turn left, then they will have to go up to Blue Mountain Drive or Lime Kiln to turn around. Mr. Stival said a lot of traffic will be doing U-Turns. Chief stated if there are no signs about U-Turns then they are legal.

Chairman stated the Township has no control of what PennDOT does on a state road.

**Delroy Haas** – Asked if there will be an increase in the police department in regards with the two officers that resigned?

**Marlin Zehner** wanted to thank Supervisor Houser for picking up stone in Bethlehem & helping moving the stone the building. Marlin Zehner stated we may need to put a sign up across form the #3 pavilion to designate where people can park instead of on the road. Tim Houser will look into this situation.

**IX. Executive Session** - None

**X. Adjournment –** Chairman called for a motion to adjourn the meeting. Timothy Houser made the motion to adjourn at 8:48PM. Ted Bogosh III seconded the motion. Motion was carried. 3-0

Transcribed By:

Katie Orlick

West Penn Township Secretary